

**Testimony
for the
Committee on Environment
on
S.B. No. 211
An Act Concerning Municipalities
And
Solid Waste Management**

**Friday, March 2, 2012
10:30 a.m.
Room 1E, LOB
Hartford, CT**

**Submitted by
Michael R. Paine
Paine's, Inc.
Chairman
Connecticut Chapter
National Solid Wastes Management Association
800 679 6263
www.environmentalistseveryday.org**

The Connecticut Chapter of the National Solid Wastes Management Association (NSWMA) is greatly alarmed and concerned with the ill effects that will be created by the passage and enactment of S.B. No. 211. At this time we know this measure has passed both the House and Senate, and will likely be signed into law by the Governor, as an emergency certification bill. This testimony is being offered, none-the-less, so that important, unaddressed issues -- some of which are presented in this testimony -- that have been created by the emergency passage of this legislation may be further addressed by this legislature later during this session.

The passage and enactment of S.B. No. 211 will send a chill throughout the state's solid waste and recycling industry. It has already been and will be a severe blow to the great progress the state has made to bring on line the new and modern infrastructure required to handle wastes and recyclables; and to meet the state's aggressive environmental goals in this area.

What is terribly wrong with S.B. No. 211 is that it seeks to change the rules for facility development mid-stream -- *during the active phase of an ongoing review, development action and decision-making process*. Imposing this kind of change, to such established development procedures, while all parties are actively engaged in these processes, is tantamount to changing the rules of the game, while the game is being played. There is little, if any, historical precedent for such draconian action as these kinds of mid-stream process changes are: 1) overturned by the courts; 2) are an anathema to all parties routinely involved in all such development activities; and, 3) are to most reasonable people simply seen as being unfair. The legislative and executive branches should strongly resist this kind of mid-stream intervention. It not only sends a terrible signal to project proponents in our field, but it also sends a similar negative signal to all proponent's who are interested in bringing their investment capital and development projects to Connecticut -- *since their actions too might trigger similar severe and irrational "nimby" backlash and mid-stream intervention*. This is the kind of backlash that we believe is the primary motivation and driver for this emergency certification legislation.

The Connecticut Chapter of NSWMA believes coordinating local land use with state agency action is generally a sound principle. It is our experience that well thought out and reasoned processes, thoughtfully developed in concert with a wide array of stakeholders generally creates workable procedures, that by their design, diffuse the kinds of situations that touch off the "nimby" backlash that is the driving stimulus underpinning this midstream, extraordinary intervention. That said, issues created by the emergency certification passage and enactment of this legislation should be further considered later during this session. When such remedial action is taken it should see that when such a change is made, it should only be prospective in nature; and, it should be coordinated in the overall context of a facility planning and development process; and, be vetted by all appropriate stakeholders in a thoughtful, deliberative process.

The last concerns we will express about S.B. No. 211 involves the unintended and unknown impacts its adoption may have on solid waste management and recycling facilities in Connecticut. Will this change in law grant new authority to a community and permit it to effectively shut down an existing permitted waste or recycling facility in its jurisdiction, should such a community wish to pursue such an action? Will this change in law lead to a complete stop of all waste and recycling facility development and allow "nimby" factions in all of Connecticut's communities to thwart the development of such facilities that are essential to meet the state's recycling and composting goals; and, to meet other state solid waste management needs as they emerge?

For these reasons, and others, we respectfully request that the issues created by the emergency certification of S.B. No. 211, and its passage and likely enactment into law, noted herein and by others, remain in the active queue of issues that can be addressed at a later time by the Legislature during this session.

The CT Chapter of NSWMA is part of a 45 year trade association of private companies, with 35 state chapters, dedicated to the environmentally secure and economically efficient collection and management of America's wastes and recyclables.